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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,815	04/30/2001	Oleg Serebrennikov	3479/0J156	2310

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EXAMINER

FRANKLIN, JAMARA ALZAIDA

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 06/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/845,815

Applicant(s)

SEREBRENNIKOV, OLEG

Examiner

Jamara A. Franklin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 6-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claim 2 is objected to because of the following informalities:

in claim 2, line 2, substitute "can be" with --is--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Showghi et al. (US 6,473,739) (hereinafter referred to as 'Showghi') in view of McMahon et al. (US 5,789,732) (hereinafter referred to as 'McMahon').

Showghi teaches a remote ordering system wherein a customer is provided with his own wireless communication device 22, 24, 26. Using the communication device 22, 24, 26 or a rental wireless remote ordering device 10, a customer may place an order by choosing from

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menus as displayed on the screen of the wireless communication device 22, 24, 26 or device 10.

The menus are programmed into the device 10 or transmittable to the devices 22, 24, 26. The customer's seating location is associated with an identification number of the device 10 or a serial number on the customer's ticket (col. 5, lines 17-57). After the order is filled, a delivery person delivers the order to the patron's seat (col. 7, lines 44-51).

Showghi lacks the teaching of outputting a bar code corresponding to the description on the display screen of the wireless device and scanning the bar code at a bar code reader.

McHanon teaches a portable data module having an LCD display 30 for displaying bar codes to be read by a bar code scanner. The bar codes are associated with the stored data which is displayed on a LCD display 20. Scroll buttons 40 allows a user to scroll through the stored information (col. 1, line 65-col. 2, line 10).

One of ordinary skill in the art would have readily recognized that the advantages of outputting a bar code onto the display to be read by a bar code scanner include the notion that the description of the items are then presented and transmitted in a uniform, binary manner that made aid in the prompt and accurate delivery of the good or service to the customer. Therefore, it would have been obvious, at the time the invention was made, to modify the teachings with the aforementioned teachings of McHanon to facilitate the delivery of the good or service.

Allowable Subject Matter

5. Claims 7-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach, or fairly suggest either alone or in combination thereof, an additional step of dynamically updating one of said wireless device and said remote database to add a bar code, said updating step utilizing one of the wireless device and a second bar code reader as an input device, wherein the second bar code reader is used to scan the bar code printed on a product. The examiner could find no motivation to combine a reference with such a teaching with the aforementioned rejection to arrive at the claimed invention.

Also, the limitations disclosing the method for using a dynamically displayed bar code and a bar code reader to obtain one of a good and service, comprising the additional step of querying a database of goods and services available at a particular commercial outlet for a match to the description input at the wireless device; and, in the absence of a match, displaying a message on the wireless device indicating that one of the good or service is not available at the particular commercial outlet. The Showghi reference teaches away from the aforementioned limitations since the wireless device of Showghi only allows a user to choose from a menu of items available for purchase.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hall et al. (US 6,026,375) teach a method and apparatus for processing orders from customers in a mobile environment.

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Perttunen et al. (US 5,939,699) teach a bar code display apparatus.

Suwa et al. (JP 2003008743A) teach a method of providing service, and relay device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is 703-305-0128.


The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (703) 305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703)308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Jamara A. Franklin
Examiner
Art Unit 2876

JAF
June 15, 2003


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800